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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,096	02/16/2001	Scott Allen Stouffer	05274.00006	3217

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EXAMINER

JACKSON, JAKIEDA R

ART UNIT PAPER NUMBER

2655

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/784,096	Applicant(s) STOUFFER ET AL.	
	Examiner Jakieda R. Jackson	Art Unit 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. ✓
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-29, 36-39 and 41-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-29, 36-39 and 41-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the Office Action mailed July 7, 2005, there was an interview filed September 13, 2005 followed by applicant's remarks submitted on December 7, 2005. During the interview, there was an agreement reached that the finality of the outstanding office action should be withdrawn. However, upon further consideration, the finality will stand.

### ***Response to Arguments***

2. Regarding claim 10, applicants argue that there is no discussion in Kato of "a first audible input," nor input (audible or otherwise) "received using the voice channel of the telecommunications network." In addition, even the audio commands that Kato does discuss are, at best, spoken commands by the user of the in vehicle navigation system, and are not "received using the voice channel of the telecommunications network," as claimed. However, applicant's arguments are not persuasive.

Kato teaches that the information is transmitted over the air from the vehicle information system (VICS) center by means of radio-wave beacons, wireless telephones, etc. (column 1, lines 31-35). Further Kato teaches that the GPS receiver device receives signals (microwaves from a plurality of satellites), for detection of geographic position data such as the latitude and longitude (column 6, lines 37-52). Kato also teaches that the VICS data is received as the vehicle with the navigation apparatus built therein passes through a location near a transmitter device for transmitting VICS data, such as an antenna. In case of using telephone networks, VICS

data is received only at the time of communication via telephone links (column 16, lines 1-6 and column 7, line 17-39). Kato further teach that instead of commands input by operation of the touch switch or of a mouse cursor, commands may be input by the voice of the operator (column 23, line 64 – column 24, lines 4).

Applicant's further argue that there is no discussion of "comparing a first audible input....to the first data file to determine a first selected locality". However, applicant's arguments are not persuasive.

The data files search for desired destination, based on its address, from among those stored in the destination data file (column 9, lines 65-67 with column 10, lines 12-20).

Applicant also argues that Kato does not anticipate "loading a second data file" step. However, Kato teaches that figure 2 shows the contents of respective data files stored. F1 contains map data including data for a national road map, local road maps, highways, landmarks, etc. F2 stores data concerning road intersections, such as geographical location coordinates and names thereof. F6 contains data for locations and names of places, facilities, etc. (column 9, line 23 – column 10, line 20).

Therefore, applicant's arguments regarding claim 10 are not persuasive. Therefore, claim 10 and its dependent claims 11, 13 and 14 and claim 25 and its dependent claims 26-29, 39, 41-42 and 47-50, remain rejected in view of Kato.

Regarding claim 1, applicant's argue that Kato does not disclose "receiving audible input spoken by a user over a voice channel of the mobile communications network" and "converting the audible input to application data," as claimed. Further

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applicant argues that Kato's invention is not related to providing input over a voice channel of mobile telecommunications network. For the same reasons as mentioned above, claim 1 will remain rejected in view of Kato. Therefore claims 15-24, 36-38, 43-46 and 59-60 are also rejected for the same reasons.

Regarding claim 51, applicant's argue that one advantage of the claimed invention is that memory is used efficiently by not loading cities located in states other than the selected state. However once Class recognizes and selects the state Bavaria, it then finds the place Neunkirchen. As seen in column 17, lines 62-64, there are six places called Neunkirchen in Bavaria, and therefore more than one was loaded. Further applicants argue that unlike the claimed invention, Class loads an entire basic vocabulary from the start, and does not load more specific data files in turn, as claimed. Applicant also argues that the claimed invention teaches that once the correct state is selected by comparing the audible input to the first data file would the second data file be loaded. However, according to table 4 (column 20, line 45 – column 21, line 18), first the destination is loaded (Stuttgart) and then the place name is loaded (Wolfschlugen). Further Class teaches that there are variants that can be done. Once the ambiguity is resolved, the destination location and the street names associated with the destination location can be loaded if necessary (Table 2; column 18, lines 57-64). Class further teaches that possible destination location and street names for the destination location can be loaded if necessary (Table 3, column 19, line 64 – column 20, line 43). Also, a state lexicon, if not already present, can be generated and loaded as a vocabulary into the speech recognition device (column 11, lines 43-46).

Therefore, applicant's arguments are not persuasive. Therefore, dependent claims 52-54 and independent claim 55 and its dependent claims 56-58 also remain rejected in view of Class.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-5, 7, 10-11, 13, 15-19, 22, 25-26, 29 and 59-60** are rejected under 35 U.S.C. 102(e) as being anticipated Kato et al. (Kato et al. 6,101,443), hereinafter referenced as Kato.

Regarding **claims 1, 15 and 59-60**, Kato discloses a method, computer program and a system for obtaining data in a mobile telecommunications network (wireless telecommunication device) for providing voice channel services in a wireless telecommunication network (column 12, lines 53-65), comprising:

a processor (figure 1, element 1);

a memory (figure 1, element 3) for storing computer readable instructions, such that when executed (column 5, lines 14-21), the system performs the steps of:

initiating an application using a data channel (figure 1, elements 30, 28 and 8) of the mobile telecommunication network (column 7, lines 17-39 with column 22, lines 1-8);

receiving audible input spoken by a user over a voice channel (column 23, line 64 – column 24, line 4) of the mobile telecommunication network (column 7, lines 17-39);

converting the audible input to application data (column 25, lines 44-46); and  
providing the application data to the application (column 25, lines 46-49).

Regarding **claims 2 and 16**, Kato discloses the method and system, wherein the application data comprises location information (information identifying the location; column 4, lines 39-40).

Regarding **claims 3 and 17**, Kato discloses the method and system, wherein the location information comprises latitude and longitude (column 6, line 52).

Regarding **claims 4, 10 and 18**, Kato discloses the method and system, wherein converting the audible input to application data further comprises the steps of:

loading a first data file (data file F2; figure 2) corresponding to a first set of localities (intersection data file);

comparing a first audible input received (column 9, lines 65-67 with column 10, lines 12-20) using the voice channel of the telecommunications network (column 1, lines 31-35 with column 6, lines 37-52 and column 16, lines 1-6 with column 7, lines 17-39) to the first data file to determine a first selected locality (column 4, lines 36-43 with column 25, lines 46-49); and

loading a second data file corresponding to a second set of localities, wherein each of the localities in the second set are geographically located within the selected locality (figures 2 and 4 with located in area; column 11, lines 43-46 with column 1, lines 61-63 and column 9, line 23 – column 10, line 20).

Regarding **claims 5, 11, 19 and 26**, Kato discloses the method and system, further comprises:

(d) repeating the comparing and loading steps while a physical location is not yet identified within a predetermined degree of precision (column 3, lines 1-5); and

(e) determining the location based on the selected localities (column 4, line 64 – column 5, line 3).

Regarding **claims 7, 13, 22 and 29**, Kato discloses the method and system, wherein at least one of the sets of localities includes a landmark (figure 2, element, F14) , comprising:

when the selected locality is a landmark, determining location information corresponding to the selected landmark (column 10, lines 7-12).

Regarding **claim 25**, it is interpreted and rejected for the same reasons as set forth in the combination of claims 4 and 15.



5. **Claims 51-53 and 55-57** are rejected under 35 U.S.C. 102(e) as being anticipated by Class et al. (U.S. Patent No. 6,230,132), hereinafter referenced as Class.

Regarding **claims 51 and 55**, Class discloses a method of determining a location and a system for refining a location using a voice channel over a mobile unit, comprising:

a processor (processing control; figure 10, element 8);

a memory (figure 10, element 3) for storing computer readable instructions, such that when executed, the system performs the steps of:

(1) loading a first data file comprising state information (column 3, line 42 with column 4, lines 9-13);

(2) receiving a first audible input from a user (state; column 11, lines 43-46);

(3) comparing the first audible input (compare acoustic input) to the first data file to determine a selected state (location input; column 17, lines 1-17 and 62-64);

(4) loading a second data file comprising a plurality of cities, wherein each city is geographically located at least partially in the selected state (Tables 2-4; column 18, lines 57-64 and Table 3, column 19, line 64 – column 20, line 43 with column 21, lines 25-51);

Regarding **claims 52 and 56**, Class discloses a method and system further comprising:

(5) receiving a second audible input from the user (city; column 21, lines 29-31);

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(6) comparing the second audible input (compare acoustic input) to the second data file to determine a selected city (location input; column 17, lines 1-17);

(7) loading a third data file comprising a plurality of streets (figure 9, element 5040), wherein each street is geographically located at least partially in the selected city (figure 9, element 5020);

Regarding **claims 53 and 57**, Class discloses a method and system further comprising the steps:

(8) receiving a third audible input from the user (street; figure 9, element 5000 and element 5070);

(9) comparing the third audible input (compare acoustic input) to the third data file to determine a selected street (location input; column 17, lines 1-17);

(10) loading a fourth data file comprising a range of addresses (figure 8, element 7000; column 2, line 37 with column 14, line 66 – column 15, line 9);

6. **Claims 6, 12, 14, 20-21 and 27-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Ishii et al. (U.S. Patent No. 6,067,521), hereinafter referenced as Ishii.

Regarding **claim 6**, Kato discloses the method and system, further comprising:  
loading a last data file in addition to the presently loaded data file (figure 2);  
comparing a last audible input to the loaded data files (comparing information received) to determine a last selected locality (information identifying location; column 4, lines 34-43); and

determining the location information based on the selected localities (makes a decision based on comparison of received location information; column 4, lines 34-64), but lacks repeating the comparing and loading steps a predetermined number of times.

Ishii discloses a method a system wherein steps are repeated a predetermined number of times (speech repeatedly inputted a predetermined number of times; column 19, lines 24-28), to obtain a high recognition degree order.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato's invention such that it repeats steps a predetermined number of times, to recognize object words recognized by a continuous input audio signal, so that a recognizing state at that time can be easily judged.

Regarding **claims 12, 14, 20- 21 and 27-28**, they are interpreted and rejected for the same reasons as set forth in **claim 6**.

7. **Claims 8-9 and 23-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Heck (U.S. Patent No. 6,671,672).

Regarding **claims 8 and 23**, Kato discloses a mobile telecommunications network and a system for providing voice channel services in a wireless telecommunication network, but lacks wherein the application data comprises authentication information.

Heck discloses the method and system, wherein the application data comprises authentication information (figure 1, element 22 with figure 3, element 39), to facilitate identification.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato's invention such that the application data comprises authentication information, to identify a person based on voice authentication, PIN, etc., to provide security (column 1, lines 13-26).

Regarding **claims 9 and 24**, Kato discloses a mobile telecommunications network and a system for providing voice channel services in a wireless telecommunication network, but lacks the method and system, wherein converting the audible input to application data further comprises:

comparing the audible input to preexisting voice information corresponding to a predetermined person;

determining authentication information corresponding to whether the user is the predetermined person; and

(c) outputting the authentication information.

Heck discloses the method and system, wherein step (3) comprises the steps of:

(a) comparing the audible input to preexisting voice information corresponding to a predetermined person (column 1, lines 13-14 with column 4, lines 49-53);

(b) determining authentication information (PIN) corresponding to whether the user is the predetermined person (column 1, lines 13-26 and column 4, lines 37-39);  
and

(c) outputting the authentication information (column 1, lines 49-56) ), to facilitate identification.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato's invention such that the application data comprises authentication information, to identify a person based on voice authentication, PIN, etc., to provide security (column 1, lines 13-26).

8. **Claims 36-50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Ishii, in further view of Heck.

Regarding **claims 36-50**, Kato in view of Ishii discloses a mobile telecommunications network and a system for providing voice channel services in a wireless telecommunication network, but lacks disclosing the method further comprising the steps of:

authenticating a user based on the audible inputs  
outputting the location information responsive to the user being successfully authenticated.

Heck discloses the method further comprising the steps of:

(f) authenticating a user based on the audible inputs (based on voice; column 1, lines 13-14), but lacks specifically (g) *outputting the location information* responsive to the user being successfully authenticated.

Instead, Heck discloses outputting the user provided password once the identity is verified (column 2, lines 25-28).

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato's invention such that it outputs the pertinent information (e.g. location information) once the user is successfully authenticated, to facilitate identification prior to releasing personal information (i.e. redeem investments, transfer balances, etc.), as taught by Heck (column 1, lines 13-26).

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9. **Claims 54 and 58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Class in view of Cupps.

Regarding **claims 54 and 58**, Class discloses the method and system further comprising:

- (11) receiving a fourth audible input from the user (figure 8, element 7050);
- (12) comparing the fourth audible input to the third and fourth data files to determine one of a selected cross-street and a selected address (figure 8); and
- (13) determining whether the selection from step (12) is a valid selection (column 14, lines 24-31), but lacks (14) generating location coordinates from the selected state, city, street, and cross-street or address.

Cupps does not specifically disclose generating location coordinates from the selected state, city, street, and cross-street or address. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Class's invention such that it discloses coordinates from zipcodes, cities etc., as taught by Cupps, to specify geographic location thereby enabling location to be found in international locations as well as United States (column 6, lines 19-38).


**Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571.272.7619. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571.272.7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRJ  
March 2, 2006

  
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